

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLES BLUNT,

Petitioner,

Case No. 08-CV-14808

v.

HON. MARK A. GOLDSMITH

MARY BERGHUIS,

Respondent.

_____ /

ORDER DENYING PETITIONER'S MOTION
FOR A CERTIFICATE OF APPEALABILITY (DKT. 35) AS MOOT

Petitioner, in a pro se habeas petition, challenged his state court convictions pursuant to 28 U.S.C. § 2254. The Court denied the petition in an Opinion and Order dated April 5, 2011 (Dkt. 13), which was affirmed by the Sixth Circuit, see Dkt. 22. Petitioner then filed a motion for relief from judgment under Federal Rule of Civil Procedure Rule 60(b), which the Court denied, see 10/15/13 Order (Dkt. 27). Petitioner has appealed the denial of his Rule 60(b) motion. 6/24/13 Notice of Appeal (Dkt. 32). After Petitioner appealed, the Court issued an Order declining to issue Petitioner a certificate of appealability (COA) (Dkt. 34). In this Order, the Court determined that jurists of reason would not find the conclusion that Petitioner's Rule 60(b) motion should be denied to be debatable or wrong under Slack v. McDaniel, 529 U.S. 473, 483 (2000). 6/30/14 Order at 2 (Dkt. 34). A few hours after the Court issued the Order declining the issuance of a COA, the Clerk docketed the matter presently before the Court, Petitioner's motion for a COA (Dkt. 35). Because the Court has already ruled on the matter of issuing a COA, the Court denies Petitioner's motion (Dkt. 35) as moot.

SO ORDERED.

Dated: July 7, 2014
Flint, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on July 7, 2014.

s/Deborah J. Goltz
DEBORAH J. GOLTZ
Case Manager